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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/050,460      | 01/15/2002  | Olaf Vancura         | 2001/7              | 6092             |

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EXAMINER

ONEILL, MICHAEL W

ART UNIT PAPER NUMBER

3713

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/050,460 | <b>Applicant(s)</b><br>VANCURA, OLAF |  |
|                              | <b>Examiner</b><br>Michael O'Neill   | <b>Art Unit</b><br>3713              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

The rejection of claims 1, 2, 4-6, 8, 10-12 and 16-19 under 35 U.S.C. § 103(a) as being unpatentable over Adams '142 is maintained from the previous Office action and incorporated herein.

The rejection of claims 7, 13-15 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Adams '142 in view of Bennett '977 is maintained from the previous Office action and incorporated herein.

***Response to Arguments***

Applicant's arguments filed 11-01<sup>st</sup> have been fully considered but they are not persuasive.



At the outset, the Examiner wishes to inform the Applicant that the claims are not quite commensurate with the disclosed invention. For instance, the disclosed invention discloses to one skilled in the art that the slot machine works in practice in the following manner: A predetermined section of the display matrix is designated for the symbol constituting the trigger. If the trigger shows up after the random determination of symbols in the predetermined area the player is alerted.

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Instructions are given to the player to select an area on the matrix. The player after consultation of the visible paytable make a selection based on maximizing the winnings. This is the objective of the invention: the allowance of a player's decision to effect the outcome of a game of chance in a slot machine. Respectfully, the claims are directed to the presentation of symbols on a matrix, which is what the prior art of record discloses, teaches and suggests.

Respectfully, the contention of the claimed invention being limited to "only one spin outcome" is unpersuasive because the claims do not recite "only one spin outcome". The claims recite "a spin outcome". Respectfully, this contention is not commensurate with the scope of the claim.

Respectfully, the Examiner and Applicant are in disagreement with how Adams can be interpreted to read on the claim limitations. The previous Office action sets forth the Examiner's understanding of Adams and is incorporated herein.

Respectfully, the issue is not whether the claimed invention "defined" over Adams, as in anticipation, but whether the claimed invention is non-obvious in view of Adams. In this case the term "non-wild" is not defined in the specification; therefore, any symbol can be deemed as "non-wild" in meeting this claim limitation because no distinction is made in the

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instant specification between the two other than the player would not want to select a "logo" symbol.

With respect to the Applicant's arguments regarding Adams vis-à-vis the claimed invention, it appears to be contented that Adams has instrumentalities of no bearing on the claimed invention. With respect to this contention, the Applicant is reminded that the claimed invention is open ended, i.e. "comprises" and thus a reference can have more than just the claimed limitations to read on the claimed invention.

#### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael O'Neill whose telephone number is 571-272-4442. The examiner can normally be reached on Monday through Friday 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MON

A handwritten signature in black ink, appearing to read "M O'Neill", written in a cursive style.

MICHAEL O'NEILL  
PRIMARY EXAMINER